

REMARKS

A Final Office Action was mailed January 10, 2007, in the present case. Claims 30-33 stand allowed. Claims 1-25 are objected to as being indefinite. Claim 1 is amended above. Previously withdrawn claims 26-29 are now cancelled. Claims 1-15 and 30-33 remain pending. Reconsideration and withdrawal of the objections and rejections are respectfully requested in view of the above amendments and the following remarks.

A. § 112, 2nd Paragraph Rejection of Claims 1-25 Addressed.

Claims 1-25 are rejected for use of the term "comprising" in step c) of claim 1, the Examiner asserting its means there are some additional components beside a substituted polymer resin present. The Examiner recommends use of the word "have". The rejection is respectively traversed in view of the above amendment and the following remarks.

As an initial matter, it should be clarified that the term "comprising" does not mean that additional components are necessarily present. Rather it means that the element "is inclusive or open-ended and does not exclude additional, unrecited elements or method steps." M.P.E.P. § 2111.03. Nonetheless, it is acknowledged however, that in the present case, the presence of certain additional components might prevent the recited substituted polymer resins with their aromatic rings substituted with one or more electron-withdrawing groups from releasably absorbing phenols and not retaining polar non-phenolic compounds. It should also be noted that the presence of other additional components might have no material effect on the functionality of the claimed resins.

While the Examiner recommends use of the word "have" to address any perceived indefiniteness, such a substitution might well create unnecessary ambiguity. As summarized at M.P.E.P. § 2111.03, "[t]ransitional phrases such as "having" must be interpreted in light of the specification to determine whether open or closed claim language is intended. See, e.g., *Lampi Corp. v. American Power Products Inc.*, 228 F.3d 1365, 1376, 56 USPQ2d 1445, 1453 (Fed. Cir. 2000) (The term "having" was interpreted as open terminology, allowing the inclusion of other components in addition to those recited)".

Thus, to address the rejection, step c) of claim 1 has been amended to recite the phrase "consisting essentially of", which as explained at M.P.E.P. § 2111.03

limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention." *In re Herz*, 537 F.2d 549, 551-52 (CCPA 1976) (emphasis in original). This amendment not only addresses any perceived indefiniteness relative to claim 1, it also addresses the rejection of claims 2-25, which relates to their dependency upon claim 1.

Withdrawal of the rejection is thus respectfully requested.

B. Allowance of Claims 30-33 is Noted.

The allowance of claims 30-33 is noted.

C. Conclusion

The Examiner is asked to kindly telephone the undersigned, should any issues remain or should the Examiner believe a call would expedite prosecution.

Respectfully submitted,

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